

# Notice of Allowability

Application No.

10/090,327

Examiner

Suzanne E. McDowell

Applicant(s)

DAVID SHELBY ET AL.

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to paper filed 9/29/04.
2. ☒ The allowed claim(s) is/are 1-22 (renumbered as 1-4, 20, 5, 6, 18, 19, 7-13, 21, 14-17, and 22, respectively).
3. ☒ The drawings filed on 04 March 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: regarding claims 1-4, 6, 7, 10-16, and 18-20, the prior art does not teach or fairly suggest a method of making a labeled container by a blow molding process, the sleeved preform, or labeled container, wherein an unoriented film label sleeve is placed over at least a portion of the exterior surface of a preform to produce a sleeved preform, which is then blow molded to form the labeled container. Regarding claims 8 and 9, the prior art does not teach or fairly suggest, in a method of making a labeled container by positioning a label sleeve over at least a portion of the exterior of a preform, the specific limitations of the polymer. Close prior art includes Cahill (US Patent 5,443,767) which teaches extruding a tube (60), cutting a sleeve (62) from the tube, and injection molding liquid plastic into the sleeve to form a sleeved preform. Cahill does not teach placing the sleeve over at least an exterior portion of a preform. Additional prior art includes Kinoshita et al. (US Patent 6,001,208) and JP 02-085,131A, which both teach the use of a nonoriented layer in a multilayered label which may contain adhesives and other film layers in Kinoshita et al., and contains metal layers is the Japanese reference. The instant specification teaches that the unoriented film sleeve label is created without the need for biaxially oriented film; that using unoriented film simplifies the film manufacture process. In light of these teachings, Kinoshita et al. and JP 02-085,131A cannot fairly be modified to suggest the instant invention absent the adhesive or metal layers or other layers, and do not teach the specific limitations of the polymer used to form the label as claimed in instant claims 8 and 9.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

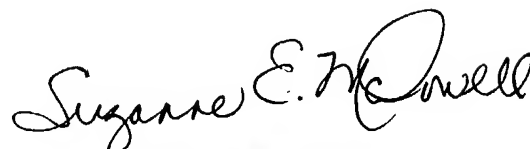
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suzanne E. McDowell whose telephone number is (571) 272-1205. The examiner can normally be reached on M, W, Th 6:30-4.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Colaianne can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SEM  
November 22, 2004

  
SUZANNE E. MCDOWELL  
PRIMARY EXAMINER